7th August 1939]

APPENDIX.

[Vide item V at page 17 supra.]

# L.A. BILL No. 17 OF 1939

(As passed by the Assembly)

**A Bill** *to authorize and indemnify trustees, officers and other persons in respect of entry into and offer of worship in Hindu temples by certain classes of Hindus who by custom or usage are excluded from such entry and worship.*

WHEREAS there has been a growing volume of public opinion demanding the removal of the disabilities imposed by custom and usage on certain classes of Hindus in respect of their entry into and offering worship in Hindu temples;

AND WHEREAS it is just and desirable to authorize the trustees or other authorities in charge of such temples to throw them open to, and permit, persons belonging to the said classes to enter into and offer worship in such temples, and that no person should suffer any civil or criminal penalty or disadvantage by reason of anything done in connexion with such entry and worship;

AND WHEREAS a situation has arisen in the city of Madura and elsewhere in the Province of Madras in which it has become necessary to indemnify and protect officers of Government, trustees, priests and other persons in respect of acts done, steps taken or alleged failure of duty on the 8th day of July 1939 and thereafter of the nature aforesaid;

It is hereby enacted as follows:—

**1.** (1) This Act may be called the Madras Temple Entry Authorization and Indemnity Act, 1939. Short title and extent.

(2) It extends to the whole of the Province of Madras.

[7th August 1939

Indemnification of officers and other persons for certain acts, etc.

2. No officer of Government, no executive authority, officer or servant of any Local Board or Municipality, no trustee, officer or other authority constituted or acting under the Madras Hindu Religious Endowments Act, 1926, or any other law, no priest or person officiating as such and no person entering or offering worship or assisting or acting under the authority of or with the permission of such officer, servant, authority, trustee, priest or person officiating shall be prosecuted, sued or otherwise proceeded against in respect of any act done or step taken or any alleged failure of duty on the 8th day of July 1939 or on any subsequent date up to the commencement of this Act, in furtherance of, or in connexion with, the entry into and offer of worship in the Sri Meenakshi Sundareswarar temple in the city of Madura or any other Hindu temple in the Province of Madras by any person belonging to classes of Hindus hitherto excluded by custom or usage from such entry or worship;

Madras Act II of 1927

and all officers, servants, authorities, trustees, priests and other persons aforesaid are hereby indemnified and discharged from all liability in respect of all such acts, steps and alleged failure of duty.

Throwing open of temples in certain circumstances.

3. If in the opinion of the trustee or other authority in charge of any Hindu temple in the Province of Madras the worshippers of such temple are generally not opposed to the removal of the disability imposed by custom or usage on certain classes of Hindus in regard to entry into or offer of worship in such temple, such trustee or other authority may, with the approval of the Provincial Government and notwithstanding anything contained in the Madras Hindu Religious Endowments Act, 1926, or any other law, throw open the temple to such classes and thereafter persons belonging to such classes shall have the right to enter into and offer worship in such temple:

Madras Act II of 1927.

Provided that in the case of the temples specified in the Schedule to this Act and other Hindu temples in the Province which have been thrown open to the classes aforesaid before the commencement of this Act,

7th August 1939]

such approval shall not be required and the said temples shall be deemed to have been thrown open to the classes aforesaid under the provisions of this section.

*Explanation.*—If more persons than one are the trustees or constitute the other authority in charge of the temple, a majority of them shall be entitled to decide and act in terms of this section.

**No actionable wrong or offence committed by entry or worship in temples thrown open.**

4. No person who enters or offers worship in any temple thrown open or deemed to be thrown open under the provisions of section 3 shall by reason only of such entry or worship be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.

**Sanction for institution or continuance of action.**

Madras Act II of 1927.

5. No suit for damages, injunction or declaration or for any other relief, no prosecution for any offence, and no application or other proceeding under the Madras Hindu Religious Endowments Act, 1926, or any other law shall be instituted in respect of any entry into, or worship in any temple thrown open or deemed to have been thrown open under section 3, on the ground that such entry or worship is against the usage or custom which excludes certain classes of Hindus from such entry or worship; and no suit or other proceeding shall be instituted in respect of such entry or worship on the ground that there has been any irregularity or failure in complying with the provisions of section 3, without the previous sanction of the Provincial Government. No suit, prosecution, application or proceeding of the nature aforesaid instituted before the commencement of this Act shall be continued thereafter without the sanction of the Provincial Government.

**Amendment of section 40, Madras Act II of 1927.**

Madras Act II of 1927.

6. In section 40 of the Madras Hindu Religious Endowments Act, 1926, after the words and figures "Subject to the provisions of the Malabar Temple Entry Act, 1938" the words and figures "and the Madras Temple Entry Authorization and Indemnity Act, 1939" shall be inserted.

## SCHEDULE.

(See proviso to section 3.)

1. Sri Meenakshi Sundareswarar temple, Madura.
2. Sri Kudalalagar temple, Madura.
3. Sri Sundararajaperumal temple, Valayapatti, Melur taluk, Madura district.
4. Sri Kalamegaperumal temple, Tirumohur, Madura taluk, Madura district.
5. Sri Brahadeeswarar temple, Tanjore.
6. Sri Tirukuttalanathaswami temple, Courtallam, Tenkasi taluk, Tinnevelly district.
7. Sri Kasi Visvanathaswami temple, Tenkasi, Tenkasi taluk, Tinnevelly district.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS